UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,297	04/16/1999	SHAWN P. MCALLISTER	1400.9801200	4690

7590 03/13/2003

PAUL M. ANDERSON
MARKISON & RECKAMP, P.C.
115 WEST BASIN ROAD
SUITE 107
AUSTIN, TX 78746

EXAMINER	
DUONG, DUC T	
ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/293,297	MCALLISTER ET AL.	
	Examiner	Art Unit	
	Duc T. Duong	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19-31,33 and 34* is/are rejected.

7)☒ Claim(s) *18 and 32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1-17, 19-31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertin et al (U.S. Patent 5,687,167) in view of Tooker et al (U.S. Patent 6,446,079 B2).

Regarding to claims 1, 12, and 23, Bertin discloses a link characteristic processor (Fig. 3) comprising a processing module 305 and memory 306 operably coupled to the processing module. The memory includes operating instruction that cause the processing module to determine connection type characteristics for a link (col. 6 lines 5-14), wherein the connection type characteristics comprise partitioning of available bandwidth of the links (col. 13 lines 4-9); advertising the connection type characteristics to at least one node in the network (col. 6 lines 14-26); and utilizing, by the at least one node, the connection type characteristics for selecting a routing path within the network for a connection (col. 6 lines 43-57).

Bertin fails to teach for the link is between switched virtual connections and soft permanent virtual connections.

However, Tooker discloses an ATM switching network using both switched virtual connection SVC and semi-permanent virtual connection SPVC (Fig. 1 col. 3 lines 5-18).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the use of both switched virtual connection SVC and semi-permanent virtual connection SPVC as taught by Tooker in Bertin's system with the motivation to accommodate different types of network protocol, such as X.25 and ATM.

Regarding to claim 2, Bertin discloses a routing path within the network for a connection based on the connection type characteristics (col. 6 lines 30-33).

Regarding to claims 3 and 24, Bertin discloses detecting a change in the link, wherein the change produces altered connection type characteristics, and advertising the altered connection type characteristics (col. 8 lines 43-54).

Regarding to claims 4 and 25, Bertin discloses the connection type characteristics is performed by a localized node coupled to the link (col. 5 lines 5-7).

Regarding to claims 5, 6, 26, and 27, Bertin discloses broadcasting the connection type characteristics to each nodes in the network (col. 13 lines 13-17).

Regarding to claim 7, Bertin discloses compiling connection type characteristics for a plurality of links within the network to produce a characteristic data set, wherein selecting the routing path further comprises selecting the routing path using the characteristic data set (Fig. 5 col. 8 lines 56-67).

Regarding to claim 8, Bertin discloses comparing characteristics of a connection request with the characteristic data set, wherein the routing path is provided in response to the connection request (col. 10 lines 37-47).

Regarding to claim 9, Bertin discloses compiling the connection type characteristics for the plurality of links with additional network characteristics (col. 10

lines 48-62) to produce the characteristic data set (priority groups), and see col. 14 lines 50-64.

Regarding to claim 10, Bertin discloses the connection type characteristics include information indicating likelihood of establishing the connection using the link, wherein the connection has a connection type (col. 9 lines 2-7).

Regarding to claims 11, 20, and 21, Bertin discloses the connection type of the connection is one of a plurality of connection types, wherein the plurality of connection types includes a plurality of priority levels that determine prioritization of connections (col. 13 lines 64-67).

Regarding to claims 13 and 19, Bertin discloses the connection type of the connection is one of a plurality of connection types, wherein the plurality of connection types includes a plurality of user connection types, wherein bandwidth on the link is partitioned between different user connection types (Fig. 4 col. 20-29).

Regarding to claim 14, Bertin discloses sending a call setup sequence to establish the connection along the routing path (col. 12 lines 64-67).

Regarding to claims 15, 28, and 29, Bertin discloses a connection processor (Fig. 3) comprising a processing module 305 and memory 306 operably coupled to the processing module. The memory includes operating instruction that cause the processing module to receive a connection request that includes a plurality of parameters, wherein the plurality of parameters includes a receiving party and a connection type characteristic (Fig. 1 col. 12 lines 64-67); compare the plurality of parameters with a table that stores network parameters to produce a first routing path to

the receiving party (Fig. 1 col. 13 lines 1-3), wherein the network parameters include links within the network and corresponding connection type characteristic capabilities for the links, wherein the connection type characteristics comprise partitioning of available bandwidth of the links (col. 13 lines 4-9); and establish the connection along the first routing path (col. 12 lines 9-25).

Bertin fails to teach for the link is between switched virtual connections and soft permanent virtual connections.

However, Tooker discloses an ATM switching network using both switched virtual connection SVC and semi-permanent virtual connection SPVC (Fig. 1 col. 3 lines 5-18).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the use of both switched virtual connection SVC and semi-permanent virtual connection SPVC as taught by Tooker in Bertin's system with the motivation to accommodate different types of network protocol, such as X.25 and ATM.

Regarding to claims 16, 17, 30, and 31, Bertin discloses if establishing the connection along the first routing path is unsuccessful, compare the plurality of parameters with the table that stores network parameters to produce at least a second routing path to the receiving party, and establishing the connection along the second routing path (col. 15 lines 1-5).

Regarding to claims 22 and 33, Bertin discloses establishing the connection along the first routing path comprises sending a designated transit list to each node along the first routing path (col. 13 lines 12-17).

Regarding to claim 34, Bertin discloses a link characteristic processor (Fig. 3) comprising a processing module 305 and memory 306 operably coupled to the processing module. The memory includes operating instruction that cause the processing module to determine connection type characteristics for a link within the network (col. 6 lines 5-14), wherein the connection type characteristics comprise partitioning of available bandwidth of the links (col. 13 lines 4-9); advertising the connection type characteristics to at least one node in the network (col. 6 lines 14-26); and utilizing, by the at least one node, the connection type characteristics for selecting performing a network function, wherein utilizing further comprises selecting, by the at least one node, a routing path within the network for a connection based on the connection type characteristics (col. 6 lines 43-57); detecting a change in the link, wherein the change produces altered connection type characteristics (col. 7 lines 38-43); advertising the altered connection type characteristic (col. 7 lines 43-51); and compiling connection type characteristics for a plurality of links within the network to produce a characteristic data set, wherein selecting the routing path further comprises selecting the routing path using the characteristic data set (Fig. 5 col. 8 lines 56-67), wherein selecting the routing path further comprises comparing characteristics of a connection request with the characteristic data set, wherein the routing path is provided in response to the connection request (col. 10 lines 37-47), wherein compiling further comprises compiling the connection type characteristics for the plurality of links with additional network characteristics (col. 10 lines 48-62) to produce the characteristic data set (priority groups), and see col. 14 lines 50-64.

Allowable Subject Matter

3. Claims 18 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD
March 4, 2003